

ASSEMBLY, No. 301

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ROONEY

1 AN ACT concerning the exclusion of certain costs from certain
2 expenditure reporting thresholds and amending P.L.1973, c.83.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 16 of P.L.1973, c.83 (C.19:44A-16) is amended to read
8 as follows:

9 16. a. The campaign treasurer of each candidate committee and
10 joint candidates committee shall make a full cumulative report, upon
11 a form prescribed by the Election Law Enforcement Commission, of
12 all contributions in the form of moneys, loans, paid personal services
13 or other things of value, made to him or to the deputy campaign
14 treasurers of the candidate committee or joint candidates committee,
15 and all expenditures paid out of the election fund of the candidate or
16 candidates, during the period ending with the second day preceding the
17 date of the cumulative report and beginning on the date of the first of
18 those contributions, the date of the first of those expenditures, or the
19 date of the appointment of the campaign treasurer, whichever occurred
20 first. The report shall also contain the name and mailing address of
21 each person or group from whom moneys, loans, paid personal
22 services or other things of value were contributed after the second day
23 preceding the date of the previous cumulative report and the amount
24 contributed by each person or group, and where an individual has
25 made such contributions, the report shall indicate the occupation of the
26 individual and the name and mailing address of the individual's
27 employer. In the case of any loan reported pursuant to this section,
28 the report shall further contain the name and mailing address of each
29 person who cosigns such loan, the occupation of the person and the
30 name and mailing address of the person's employer. If no moneys,
31 loans, paid personal services or other things of value were contributed,
32 the report shall so indicate, and if no expenditures were paid or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 incurred, the report shall likewise so indicate. The campaign treasurer
2 and the candidate or several candidates shall certify the correctness of
3 the report.

4 b. During the period between the appointment of the campaign
5 treasurer and the election with respect to which contributions are
6 accepted or expenditures made by him, the campaign treasurer shall
7 file his cumulative campaign report (1) on the 29th day preceding the
8 election, and (2) on the 11th day preceding the election; and after the
9 election he shall file his report on the 20th day following such election.
10 Concurrent with the report filed on the 20th day following an election,
11 or at any time thereafter, the campaign treasurer of a candidate
12 committee or joint candidates committee may certify to the Election
13 Law Enforcement Commission that the election fund of such candidate
14 committee or joint candidates committee has wound up its business
15 and been dissolved, or that business regarding the late election has
16 been wound up but the candidate committee or joint candidates
17 committee will continue for the deposit and use of contributions in
18 accordance with section 17 of P.L.1993, c.65 (C.19:44A-11.2).
19 Certification shall be accompanied by a final accounting of such
20 election fund, or of the transactions relating to such election, including
21 the final disposition of any balance remaining in such fund at the time
22 of dissolution or the arrangements which have been made for the
23 discharge of any obligations remaining unpaid at the time of
24 dissolution. Until the candidate committee or joint candidates
25 committee is dissolved, each such treasurer shall continue to file
26 reports in the form and manner herein prescribed.

27 The Election Law Enforcement Commission shall promulgate
28 regulations providing for the termination of post-election campaign
29 reporting requirements applicable to political committees, candidate
30 committees and joint candidates committees. The requirements to file
31 quarterly reports after the first post-election report may be waived by
32 the commission, notwithstanding that the certification has not been
33 filed, if the commission determines under any regulations so
34 promulgated that the outstanding obligations of the political
35 committee, candidate committee or joint candidates committee do not
36 exceed 10% of the expenditures of the campaign fund with respect to
37 the election or \$1,000.00, whichever is less, or are likely to be
38 discharged or forgiven.

39 A candidate committee or joint candidates committee shall file with
40 the Election Law Enforcement Commission, not later than April 15,
41 July 15, October 15 of each calendar year in which the candidate or
42 candidates in control of the committee does or do not run for election
43 or reelection and January 15 of each calendar year in which the
44 candidate or candidates does or do run for election or reelection, a
45 cumulative quarterly report of all moneys, loans, paid personal services
46 or other things of value contributed to it or to the candidate or

1 candidates during the period ending on the 15th day preceding that
2 date and commencing on January 1 of that calendar year or, in the case
3 of the cumulative quarterly report to be filed not later than January 15,
4 of the previous calendar year, and all expenditures made, incurred, or
5 authorized by it or the candidate or candidates during the period,
6 whether or not such expenditures were made, incurred or authorized
7 in furtherance of the election or defeat of any candidate, or in aid of
8 the passage or defeat of any public question or to provide information
9 on any candidate or public question. The commission may by
10 regulation require any such candidate committee or joint candidates
11 committee to file during any calendar year one or more additional
12 cumulative reports of such contributions received and expenditures
13 made as may be necessary to ensure that no more than five months
14 shall elapse between the last day of a period covered by one such
15 report and the last day of the period covered by the next such report.

16 The commission, on any form it shall prescribe for the reporting of
17 expenditures by a candidate committee or joint candidates committee,
18 shall provide for the grouping together of all expenditures under the
19 category of "campaign expenses" under paragraph (1) of subsection a.
20 of section 17 of P.L.1993, c.65, identified as such, and for the
21 grouping together, separately, of all other expenditures under the
22 categories prescribed by paragraphs (2) through (6) of that subsection.
23 The cumulative quarterly report due on April 15 in a year immediately
24 after the year in which the candidate or candidates does or do run for
25 election or reelection shall contain a report of all of the contributions
26 received and expenditures made by the candidate or candidates since
27 the 18th day after that election.

28 The cumulative quarterly report shall contain the name and mailing
29 address of each person or group from whom moneys, loans, paid
30 personal services or other things of value have been contributed and
31 the amount contributed by each person or group, and where an
32 individual has made such contributions, the report shall indicate the
33 occupation of the individual and the name and mailing address of the
34 individual's employer. In the case of any loan reported pursuant to this
35 section, the report shall contain the name and address of each person
36 who cosigns such loan, and where an individual has cosigned such
37 loans, the report shall indicate the occupation of the individual and the
38 name and mailing address of his employer. The report shall also
39 contain the name and address of each person, firm or organization to
40 whom expenditures have been paid and the amount and purpose of
41 each such expenditure. The treasurer of the candidate committee or
42 joint candidates committee and the candidate or candidates shall
43 certify to the correctness of each cumulative quarterly report.

44 c. In the case of an election of a candidate for an office elected by
45 a municipal or countywide constituency or a school district a duplicate
46 copy of the campaign treasurer's report, duly certified, shall be filed at

1 the same time with the county clerk of the county in which the
2 candidate resides and the county clerk shall retain a written record of
3 that filing for a period of not less than four years following the date of
4 the election.

5 d. There shall be no obligation to file the reports required by this
6 section on behalf of a candidate if such candidate files with the
7 Election Law Enforcement Commission a sworn statement to the
8 effect that the total amount to be expended in behalf of his candidacy
9 by the candidate committee, by any political party committee, by any
10 political committee, or by any person shall not in the aggregate exceed
11 \$2,000.00 or \$4,000 for any joint candidates committee containing
12 two candidates or \$6,000 for any joint candidates committee
13 containing three or more candidates, exclusive of the amounts
14 expended on catering costs. The sworn statement may be submitted
15 at the time when the name and address of the campaign treasurer and
16 depository is filed with the Election Law Enforcement Commission,
17 provided that in any case the sworn statement is filed no later than the
18 29th day before an election. If a candidate who has filed such a sworn
19 statement receives contributions from any one source aggregating
20 more than \$200 he shall forthwith make report of the same, including
21 the name and mailing address of the source and the aggregate total of
22 contributions therefrom, and where the source is an individual, the
23 occupation of the individual and the name and mailing address of the
24 individual's employer, to the Election Law Enforcement Commission.

25 As used in this subsection, "catering costs" includes funds expended
26 on food preparation, food service, liquor licenses, bartending and
27 musical entertainment.

28 e. There shall be no obligation imposed upon a candidate seeking
29 election to a public office of a school district to file either the reports
30 required under subsection b. of this section or the sworn statement
31 referred to in subsection d. of this section, if the total amount
32 expended and to be expended in behalf of his candidacy by the
33 candidate committee, any political committee, any continuing political
34 committee, or a political party committee or by any person, does not
35 in the aggregate exceed \$2,000.00 per election or \$4,000 for any joint
36 candidates committee containing two candidates or \$6,000 for any
37 joint candidates committee containing three or more candidates;
38 provided, that if such candidate receives contributions from any one
39 source aggregating more than \$200, he shall forthwith make a report
40 of the same, including the name and mailing address of the source, the
41 aggregate total of contributions therefrom, and where the source is an
42 individual, the occupation of the individual and the name and mailing
43 address of the individual's employer, to the commission.

44 f. In any report filed pursuant to the provisions of this section, the
45 names and addresses of contributors whose contributions during the
46 period covered by the report did not exceed \$200 may be excluded;

1 provided, however, that (1) such exclusion is unlawful if any person
2 responsible for the preparation or filing of the report knew that such
3 exclusion was made with respect to any person whose total
4 contributions relating to the same election and made to the reporting
5 candidate or to an allied campaign organization or organizations
6 aggregate, in combination with the total contributions in respect of
7 which such exclusion is made, more than \$200, and (2) any person
8 who knowingly prepares, assists in preparing, files or acquiesces in the
9 filing of any report from which the identity of any contributor has been
10 excluded contrary to the provisions of this section is subject to the
11 provisions of section 21 of this act, but (3) nothing in this proviso shall
12 be construed as requiring any candidate committee or joint candidates
13 committee reporting pursuant to this act to report the amounts, dates
14 or other circumstantial data regarding contributions made to any other
15 candidate committee, joint candidates committee, political committee,
16 continuing political committee, political party committee or legislative
17 leadership committee.

18 g. Any report filed pursuant to the provisions of this section shall
19 include an itemized accounting of all receipts and expenditures
20 relative to any testimonial affair held since the date of the most recent
21 report filed, which accounting shall include the name and mailing
22 address of each contributor in excess of \$200 to such testimonial affair
23 and the amount contributed by each; in the case of any individual
24 contributor, the occupation of the individual and the name and mailing
25 address of the individual's employer; the expenses incurred; and the
26 disposition of the proceeds of such testimonial affair.

27 h. (Deleted by amendment, P.L.1993, c.65.)

28 i. Each campaign treasurer of a candidate committee or joint
29 candidates committee shall file written notice with the commission of
30 a contribution in excess of \$500 received during the period between
31 the 13th day prior to the election and the date of the election. The
32 notice shall be filed in writing or by telegram within 48 hours of the
33 receipt of the contribution and shall set forth the amount and date of
34 the contribution, the name and mailing address of the contributor, and
35 where the contributor is an individual, the occupation of the individual
36 and the name and mailing address of the individual's employer.

37 (cf: P.L.1993,c.65,s.9)

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39 2. This act shall take effect immediately.

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STATEMENT

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44 Under current law, when the total amount to be expended on behalf
45 of a candidate by that person's candidate committee, by any political
46 party committee, by any political committee or by any person does not

1 exceed \$2,000 or \$4,000 for a joint candidates committee containing
2 two candidates or \$6,000 for any joint candidates committee
3 containing three or more candidates, the candidate does not have to
4 file the expenditure reports with the Election Law Enforcement
5 Commission required by section 16 of "The New Jersey Campaign
6 Contributions and Expenditures Reporting Act." Only a sworn
7 statement by the candidate is required.

8 The purpose of this bill is to exclude from the reporting thresholds
9 the amounts spent by the candidates on catering costs. As used in the
10 bill, catering costs include funds expended on food preparation, food
11 service, liquor licenses, bartending and musical entertainment.

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16 Excludes amount spent on catering costs from reporting thresholds
17 under "The New Jersey Campaign Contributions and Expenditures
18 Reporting Act."